



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

HUSBAND AND WIFE—CAPACITY TO SUE ONE ANOTHER.—A wife brought an action against her husband for assault under a statute designed to place the wife on an equal legal status with the husband, but containing no express provision enabling one to sue the other. *Held*, the action will lie. *Brown v. Brown* (Conn.), 89 Atl. 889.

By the fiction of the complete unity of husband and wife, neither could sue the other at common law. PECK, DOMESTIC RELATIONS, 120. Modern statutes, similar in their provisions to that in the principal case, have given the married woman the legal status of *femme sole* in her relation to third persons. But as between husband and wife the exact scope of these statutes is not settled. It has been held that the wife may sue her husband in ejectment to recover her separate property. *Crater v. Crater*, 118 Ind. 521, 21 N. E. 290; *Wood v. Wood*, 18 Hun (N. Y.) 350. See also, 3 Am. & Eng. Ann. Cas. 145 (note). A wife has been allowed to sue a partnership of which her husband was a member. *Benson v. Morgan*, 50 Mich. 77, 14 N. W. 705. In some jurisdictions a wife may acquire title by adverse possession against her husband. *Union Oil Co. v. Stewart* (Cal.), 110 Pac. 313; *McPherson v. McPherson*, 75 Neb. 830, 106 N. W. 991.

As regards personal torts the weight of authority allows neither consort to sue the other in the absence of express statutory provision. *Thompson v. Thompson*, 218 U. S. 611; *Peters v. Peters*, 42 Iowa 182; *Abbe v. Abbe*, 22 App. Div. 483, 48 N. Y. Supp. 25.

On principle it would seem, that while these statutes have the effect of completely emancipating the wife, they do not effect the settled public policy on which the doctrine is based, that the peace and happiness of the family relation is endangered by allowing suits by one against the other for personal torts. Again, these statutes being in derogation of the common law, should receive a strict construction.

INSURANCE—IMPLIED WAIVER OF FORFEITURE.—The insured having disclosed the circumstances of the fire and submitted proofs of loss, the insurer declined to pay on the ground of breach of condition as to keeping gasoline on the premises, but after the institution of the action, defended on other grounds. *Held*, the insurer has waived all grounds of forfeiture except the specific ground named in the declination to pay. *Ward v. Queen City Fire Ins. Co.* (Ore.), 138 Pac. 1067. See NOTES, p. 628.

INTOXICATING LIQUORS—ILLEGAL SALE—WHAT CONSTITUTES A SALE.—A statute provided a penalty for the sale of liquor. The defendant lent a friend liquor to be returned in kind. *Held*, this is a sale within the statute. *Howard v. State* (Tex.), 163 S. W. 429.

This decision is in accord with a long line of Texas cases on the same point. *Tombeaugh v. State*, 50 Tex. Crim. App. 286, 98 S. W. 1054. Under similar statutes lending liquor has been held to be a sale. *Com. v. Abrams*, 150 Mass. 393, 23 N. E. 53. Under a statute using the terms "sell, barter, or exchange" a loan has been held to be a sale. *Clark v. State*, 167 Ala. 101, 52 So. 893.

In other jurisdictions it has been held that a *bona fide* loan lacks the